

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAURIE RUBIN,

Plaintiff,

-v-

TRENDLAND LLC,

Defendant.

22 Civ. 9452 (PAE)

DEFAULT JUDGMENT

PAUL A. ENGELMAYER, District Judge:

On November 4, 2022, Plaintiff Laurie Rubin brought this action against defendant Trendland LLC for violations of her exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute her original copyrighted work of authorship, to wit, a photograph she created in 2007. Dkt. 1 (“Complaint”). On December 19, 2022, plaintiff served defendant with process, making defendant’s deadline to answer or otherwise respond January 9, 2023. Dkt. 8. Defendant has not responded to the Complaint or otherwise appeared in this action.

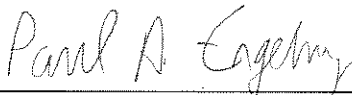
On February 13, 2023, the Court issued an Order to Show Cause, prompting plaintiff to move for default judgment by February 24, 2023 or risk dismissal of the case. Dkt. 9. On February 14, 2023, plaintiff proposed a Clerk’s Certificate of Default, Dkt. 10, and that same day, the Clerk issued a Certificate of Default, Dkt. 12. On February 24, 2023, plaintiff moved for default judgment. Dkt. 13.

On April 11, 2023, the Court ordered defendant, by April 25, 2023, to show cause why a default judgment is not warranted. Dkt. 14. On April 14, 2023, plaintiff served the April 11, 2023 Order to show cause on defendant. Dkt. 15.

Defendant did not oppose the Order or appear. The Court has reviewed plaintiff's motion for default judgment pursuant to Federal Rule of Civil Procedure 55(b) and supporting submissions. Because proof of service has been filed, defendant failed to answer the Complaint, the time for doing so has expired, and defendant has failed to appear to contest the entry default judgment, the Court enters default judgment for plaintiff against defendant on plaintiff's claim of copyright infringement against defendant, in an amount to be determined at an inquest, plus costs, interest, and attorneys' fees to be determined based on a subsequent submission.

The Court will, by separate order, refer this case to the Hon. Stewart D. Aaron, Magistrate Judge, for an inquest into damages. Plaintiff shall serve this Order upon defendant and file an affidavit reflecting such service on the docket by May 3, 2023. The Clerk of the Court is respectfully directed to terminate the motion pending at docket 13.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: April 26, 2023
New York, New York